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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,033	10/708,033 02/04/2004		Jed E. Rose	014622.000001	2032
24239	7590	10/20/2005		EXAMINER	
		LLEN PLLC		<u> </u>	
P.O. BOX 13 Research Tri		k, NC 27709		ART UNIT	PAPER NUMBER

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	Applicant(s)				
Notification of Non-Compliant Appeal Brief	10/708,033	ROSE ET AL.	1 , ,				
(37 CFR 41.37)	Examiner	Art Unit					
	Benjamin H. Layno	3711					
The MAILING DATE of this communication app	pears on the cover sheet v	vith the correspondence	address				
The Appeal Brief filed on 11 August 2005 is defective for	or failure to comply with o	one or more provisions o	of 37 CFR 41.37.				
To avoid dismissal of the appeal, applicant must file an 1205.03) within ONE MONTH or THIRTY DAYS from tEXTENSIONS OF THIS TIME PERIOD MAY BE GRA	he mailing date of this No	otification, whichever is	ee MPEP longer.				
The brief does not contain the items required u heading or in the proper order.	nder 37 CFR 41.37(c), o	r the items are not unde	r the proper				
2. The brief does not contain a statement of the s canceled), or does not identify the appealed cla	tatus of all claims, (e.g., laims (37 CFR 41.37(c)(1	rejected, allowed, withdr )(iii)).	awn, objected to,				
3. At least one amendment has been filed subsect statement of the status of each such amendment	At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).						
4. (a) The brief does not contain a concise expland claims involved in the appeal, referring to the significant by reference characters; and/or (b) the brief fair appeal and for each dependent claim argued significant sign	pecification by page and ls to: (1) identify, for each eparately, every means pater forth the structure, mater reference to the specific	line number and to the on independent claim involus function and step plial, or acts described in the control of the control o	drawings, if any, blved in the us function under the specification				
5. The brief does not contain a concise statement 41.37(c)(1)(vi))	t of each ground of reject	ion presented for review	(37 CFR				
6. The brief does not present an argument under a 41.37(c)(1)(vii)).	a separate heading for ea	ch ground of rejection on	appeal (37 CFR				
7. The brief does not contain a correct copy of the 41.37(c)(1)(viii)).	e appealed claims as an	appendix thereto (37 CF	R				
8. The brief does not contain copies of the evidence other evidence entered by the examiner and restatement setting forth where in the record that thereto (37 CFR 41.37(c)(1)(ix)).	elied upon by appellant	in the appeal, along wi	th a				
9. The brief does not contain copies of the decision identified in the Related Appeals and Interference							

referred to the specification by page and line number, and to the drawings by reference characters .

Benjamin H. Layno **Primary Examiner** Art Unit: 3711

Other (including any explanation in support of the above items):

10.🛛

41.37(c)(1)(x)).

In the Summary of Invention, of the Appeal Brief filed 08/11/05, the subject matter defined in each independent claim is referred to the specification by paragraph number and Figure number. This is improper. The subject matter must be